



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,408	01/11/2002	Mark Alan Osterkamp	8571.0042	8919

7590 07/03/2006

ROBERT A. McLAUHLAN  
KOESTNER BERTANI, LLP  
P.O. BOX 26780  
AUSTIN, TX 78755

EXAMINER
----------

LEE, JOHN J

ART UNIT	PAPER NUMBER
----------	--------------

2618

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,408

Applicant(s)

OSTERKAMP, MARK ALAN

Examiner

JOHN J. LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12-16 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 and 17-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/02, 10/03
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Invention I, claims 1-5, 12-16 and 37 in the reply filed on 4/12/2006 is acknowledged. The traversal is on the ground(s) that the claims different definitions of the same disclosed subject matter. This is not found persuasive because the Inventions III, II, and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions III, II have separate utility such as *remote controller, wireless remote controlling robotic system, and controlling and generating command signal for security, access to a restricted system with using identifier*, respectively.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 5, 12 – 16, and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US 6,327,219) in view of Lorraine et al. (US 5,801,312).

Regarding **claims 1 and 37**. Zhang discloses that a system for controlling operations associated with generating and detecting ultrasonic surface displacements on a

remote object, the operations including obtaining information associated with the object, the system (column 2, lines 18 – column 3, lines 33 and Fig. 1, where teaches a system operates generating and detecting ultrasonic signals on surface of a object, an RF transmitter communicates with a processor for transmitting the encoded RF signal carrying the identification and time information to the RF receiver of the tracker upon the reception of the ultrasonic signals by the ultrasonic detector). Zhang teaches that a processor (15 in Fig. 1). Zhang teaches that an ultrasonic system linked with the processor (Fig. 1 and column 4, lines 21 – column 5, lines 14, where teaches an ultrasonic system coupled to the a processor). Zhang teaches that a wireless communicator generating a command signal (column 2, lines 19 – 45, Fig. 1, 3, and column 4, lines 22 – 60, where teaches for generating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal). Zhang teaches that the processor receiving the command signal and operating the ultrasonic system based on the command signal (column 2, lines 19 – 45, Fig. 1, 3, and column 4, lines 22 – 60, where teaches for generating and operating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal).

Zhang does not specifically teach the limitation “a laser ultrasonic system for controlling operations associated with generating and detecting ultrasonic surface displacements on a remote object”. However, Lorraine discloses the limitation “a laser

ultrasonic system for controlling operations associated with generating and detecting ultrasonic surface displacements on a remote object” (column 1, lines 61 – column 2, lines 43 and Fig. 1, where teaches a laser ultrasonic system operates generating and detecting ultrasonic surface displacements on a remote object at each scanning position that contains signals representing a laser ultrasonic waveform data set corresponding to a three dimensional volumetric region in the remote object). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Zhang system as taught by Lorraine, provide the motivation to achieve generating laser ultrasonic focused images with high resolution across a surface in a laser ultrasonic imaging system.

Regarding **claim 2**. Zhang discloses that a restricted system (column 1, lines 13 – column 2, lines 12 and Fig. 1, where teaches putting a strong restriction on its applications for portable use).

Regarding **claim 3**. Zhang discloses that the restricted system includes a barrier (column 1, lines 13 – column 2, lines 12 and Fig. 1, where teaches putting a strong restriction on its applications for portable use, using a golf cart or luggage cart as an example).

Regarding **claim 4**. Zhang and Lorraine disclose all the limitation as discussed in claims 1 and 3. Furthermore, Zhang further disclose that the system is enclosed by the barrier (column 1, lines 13 – column 2, lines 12 and Fig. 1, where teaches putting a strong restriction on its applications for portable use, using a golf cart or luggage cart as an example).

Regarding **claim 5**. Zhang discloses that the wireless communicator opens the barrier (column 3, lines 7 – 59 and Fig. 1, where teaches beneficial for vehicles such as golf carts and luggage carts traveling along a crowded or complex environment).

Regarding **claim 12**. Zhang and Lorraine disclose all the limitation as discussed in claims 1 and 3. Furthermore, Zhang further disclose that the operations include controlling a robotic device (Fig. 2 and column 5, lines 1 – 60, where teaches for controlling moving vehicle such as a fully automatic device).

Regarding **claim 13**. Zhang and Lorraine disclose all the limitation as discussed in claims 1 and 3. Furthermore, Zhang further disclose that the wireless communicator generates a command signal associated with the robotic device (column 4, lines 22 – column 5, lines 60 and Fig. 1, 2, where teaches for generating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal for controlling moving vehicle such as a fully automatic device).

Regarding **claim 14**. Zhang discloses that the wireless communicator generates a command signal based on the typematic rate of interface (column 4, lines 22 – column 5, lines 60 and Fig. 1, 2, where teaches for generating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal for controlling moving vehicle such as a fully automatic typemetal device).

Regarding **claim 15**. Zhang discloses that the wireless communicator continuously generates a command signal based on a typematic rate of interface (column 4, lines 22 – column 5, lines 60 and Fig. 1, 2, where teaches for generating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal for controlling moving vehicle such as a fully automatic typemetal device).

Regarding **claim 16**. Zhang discloses that the wireless communicator continuously generates a plurality of command signals based on the typematic rate of interface (column 4, lines 22 – column 5, lines 60 and Fig. 1, 2, where teaches for generating an encoded ultrasonic signal are provided, each having a control input communicating with the first processor for emitting an encoded ultrasonic signal generally toward the guider in response to a command signal from the first signal for controlling moving vehicle such as a fully automatic typemetal device).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Monchalin (US 4,633,715) discloses Laser Heterodyne Interferometric Method and System for Measuring Ultrasonic Displacements.

Pepper et al. (US 5,585, 921) discloses Laser-Ultrasonic Non-Destructive Non-Contacting Inspection System.

Information regarding...Patent Application Information Retrieval (PAIR) system...  
at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor,  
**Edward Urban**, can be reached on **(571) 272-7899**. Any inquiry of a general nature or  
relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
June 20, 2006

John J Lee

  
**EDWARD F. URBAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**